IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1853 OF 2005

Akhatar Husen Gulabsaheb Shaikh ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.Vishwanath Talkute for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 24, 2005.

P.C.

1. Heard Counsel for the parties.

2. It appears from the record that the Applicant took over the assignment as Deputy Executive Engineer in October 1995. Whereas, the job was executed, before the Applicant took over as Deputy Engineer. The Applicant also relies on the divergent opinion expressed by the non-technical committee and the technical committee. The report

of the technical committee indicates that the short-fall was only to the extent of 5.93%.

3. Be that as it may, as the job in question was executed before the Applicant took over as Deputy Executive Engineer and coupled with the fact that entire record has already been seized by the investigating agency and custodial interrogation of the Applicant is not necessary, the Applicant deserves to be granted anticipatory bail on the following conditions:

(a) The Applicant is granted anticipatory bail in connection with C.R.No.22 of 1999 registered with Solapur Taluka Police Station on executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two local sureties in the like amount.

(b) The Applicant shall report to the Investigating Officer once in a week between 10.00 a.m. and 2.00 p.m. till the filing of the charge-sheet.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) Anticipatory bail will enure in favour of the Applicant till the filing of the charge-sheet.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.